

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

**MEMORANDUM OPINION AND  
ORDER**

Case No. 22-cr-260 (MJD/JFD)

v.

Charles Kenneth Redding,

Defendant.

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Emily A. Polachek, Assistant United States Attorney, Attorney for Plaintiff.

Paul Engh, Attorney for Defendant.

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**I. INTRODUCTION**

This matter is before the Court on Defendant Charles Kenneth Redding's Motion for Review of Detention Order. (Doc. 15.)

**II. BACKGROUND**

On September 6, 2022, Magistrate Judge Tony N. Leung signed a Complaint charging Defendant with one count of possessing a firearm as a felon, in violation of 18 U.S.C. § 922(g) and 924(a)(8). (Doc. 2.) On September 7, 2022, Defendant made his initial appearance, where the Government moved for detention pursuant to 18 U.S.C. § 3142(f)(2). (Doc. 7.) On September 9, 2022, Defendant appeared for preliminary and detention hearings. (Doc. 11.) On September 15, 2022, Magistrate

Judge Leung issued an order granting the Government's Motion for Detention and ordered Defendant held without bond. (Doc. 12.)

On October 5, 2022, Defendant filed the present Motion for Review of Detention Order before this Court. (Doc. 15.) On October 12, 2022, the Government filed its response in opposition to Defendant's Motion for Review of Detention Order. (Doc. 21.)

### **III. DISCUSSION**

As required, this Court has conducted a de novo review of Magistrate Judge Leung's September 15, 2022 detention order. United States v. Maull, 773 F.2d 1479, 1481-82 (8th Cir. 1985); United States v. Goree, No. 19CR2661NEBKMM, 2020 WL 490995, at \*3 (D. Minn. Jan. 30, 2020). In addition to the materials presented to Magistrate Judge Leung, the Court has also considered the parties' submissions related to Defendant's present Motion. (Doc. Nos. 15, 21.) Based on this record, the Court finds no reason to alter Magistrate Judge Leung's detention order.

In determining whether to order pretrial release of a criminal defendant, the Court considers whether the defendant presents a danger to the community in light of (1) the nature and circumstances of the charged offense, including whether the offense charged is a crime of violence, (2) the weight of the evidence against the person, (3) the person's history and characteristics, and (4) the nature and

seriousness of the danger the person poses. 18 U.S.C. § 3142(g). Applying these factors, Magistrate Judge Leung correctly determined that clear and convincing evidence demonstrates that Defendant poses a danger to the community and no condition or combination of conditions on supervised release can sufficiently mitigate this risk.

First, Defendant is charged with possessing an assault-style firearm as a felon. The Government further alleges Defendant intentionally discharged that firearm on a public roadway after being involved in a car chase that resulted in a crash. According to the Government, Defendant then fled from law enforcement and was arrested a short time later in possession of 75 pills of suspected narcotics.

Second, the Government supported its allegations and motion for detention with testimony from ATF Special Agent Kylie Williamson and related exhibits.

Third, Defendant was on supervised release for another crime when he allegedly committed the instant offense. Defendant has a criminal history, including pending cases in Ramsey and Dakota counties, which include allegations that Defendant possessed firearms and/or ammunition and has been affiliated with known gangs. Defendant also has an active arrest warrant in Dakota County.

Fourth, Defendant's criminal history and the details of the instant offense demonstrate that Defendant poses a serious risk to the community if he is released at this time. In his present Motion, Defendant has also not presented the Court with any condition, or combination of conditions, that could reasonably assure the safety of the community. Accordingly, the factors under 18 U.S.C. § 3142(g) weigh in favor of detention without bond.

### **ORDER**

For the reasons stated above and based on the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendant's Motion for Review of Detention Order (Doc. 15) is **DENIED**.

Dated: October 14, 2022

s/Michael J. Davis

Michael J. Davis

United States District Court